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June 3, 2008

VIA FACSIMILE (212) 805-6735

Hon. George B. Daniels
United States Court Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Lima v. Sunoco, Inc. (R&M)
Index No.: CV-07-8630
Our Reference No.: CIG 12760

Dear Judge Daniels:

I represent defendant Sunoco, Inc. (R&M) in connection with the above-referenced matter.

Back in March 2008, counsel for the parties submitted an Amended Scheduling Order which Your Honor approved. A copy of same is annexed hereto.

Pursuant to the terms of that Order, all party depositions have been completed. In addition, arrangements have been made to have plaintiff examined by defendant's physician.

Nevertheless, it is unlikely that defendant's physician will examine plaintiff and prepare his report on same prior to the June 16, 2008 discovery deadline. Depending upon the outcome of plaintiff's physical examination, defendant may seek to retain other experts, including a bio-mechanical expert and/or a radiologist.

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In addition, defendant is still in the process of obtaining medical records pursuant to authorizations recently furnished by plaintiff, as well as information from plaintiff's former co-workers. Therefore, defendant needs additional time for non-party disclosure.

Given the foregoing, it is not possible for defendant to complete all discovery, including expert disclosure and non-party disclosure, within the Court's June 16, 2008 discovery deadline. Accordingly, defendant respectfully requests an extension of the discovery deadline to August 30, 2008.

If the Court grants the aforementioned extension, none of the other deadlines set forth in the Amended Scheduling Order need to be changed. Specifically, the date that the Pre-Trial Order is due can remain as scheduled for September 15, 2008, and the date for the Pre-Trial Conference can remain as scheduled for October 15, 2008. Since none of the parties anticipate filing any dispositive motions, that deadline (of August 15, 2008) is inapplicable in the case at bar.

I have consulted with plaintiff's counsel about this extension and revision to the Amended Scheduling Order and she has consented to same.

The parties would respectfully request that if the extension and revision to the Amended Scheduling Order is acceptable, that this letter be so-ordered and entered by the Court.

If there is a problem with the proposed extension of the discovery deadline or if Your Honor has any questions about this letter, please feel free to contact the undersigned.

Respectfully submitted

BURNS, RUSSO, TAMIGI &
REARDON, LLP

A handwritten signature in black ink, appearing to read "Peter Tamigi". The signature is fluid and cursive, with the first name "Peter" and last name "Tamigi" clearly distinguishable.

PETER F. TAMIGI (5929)

PFT:eh

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So Ordered:

Hon. George B. Daniels
United States District Judge

cc: Elise Langsam, Esq.
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